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CASE NO. 2888.

IN THE FOURTH DISTRICT COURT OF THE STATE OF UTAH, IN AND FOR  
UTAH COUNTY.

Provo Reservoir Company,  
A Corporation  
Plaintiff

Vs.

Provo City, Lincoln School District,  
The Provo Bench Canal and Irrigation  
Company, The East River Bottom  
Water Company, Et al Defendants.

*Separate Answer  
of East River Bottom  
Water Co.*

Now comes the East River Bottom Water Company, one of the defendants,  
in the above entitled cause and makes its answer to the said plaintiff's  
complaint for its self alone and not for any one or more of the  
other defendants, and admits, denies, and alleges as follows, to-wit;

I

Admits the allegations in paragraphs from 1 to 29 inclusive.

II

As to allegations in paragraphs from 29 (A) to 29 (C) inclusive,  
this defendant has not sufficient knowledge or information to form a  
belief and therefore denies it.

III

Admits paragraph 29 (D).

IV

As to the statements contained in paragraph 29 (E) to paragraph 33  
inclusive, this defendant has not sufficient knowledge to form a  
belief and therefore denies it.

V

The defendant admits paragraphs 34 and 35.

VI

As to paragraph 36, this defendant alleges, that it has no sufficient  
knowledge or information to form a belief except as hereinafter set  
forth and therefore denies it.

VII

As to the allegations in paragraph 37, defendant alleges, that it has  
not sufficient knowledge or information to form a belief except as  
hereinafter set forth and therefore denies it.

VIII

As to the allegations in paragraphs 38 and 39, defendant alleges, that it has not sufficient knowledge or information on which to form a belief except as hereinafter set forth and thereofre denies it.

## IX

That the said defendant, the East River Bottom Water Company, for a further answer and affirmative defence alleges:

That on the 5th. day of February, A.D. 1902, in a case then pending in the District Court of the Fourth Judicial District of the State of Utah, In and for Utah County, wherein Provo City, et al, were plaintiffd and the East River Bottom water Company, et al, were defendants, a certain decree was rendered, commonly known as the "Morse Decree", which Decree adjudicated the several water rights of the parts to the said action among others, those of the grantors and predecessors of this defendant, and awarded to them certain amount of water at different stages of the amount of water in Provo River, which Decree is hereby refered to and as far as applicable to the plaintiff and this defendant, its grantors and predecessors, is made a part of this answer.

## X

That bu mutual agreement and stipulation by and between the said plaintiff and this defendant, this defendant is accorded the rights awarded to its grantors and predecessors by said Decree, subject, however, only to the terms of a decree of this court made and entered on the 26th day of January, 1907, and commonly known as the "Chidester Decree". Wherein the said decree changes in any manner t the rights of this defendant as given to its grantors and predecessor ors by the said "Morse Decree" and which "Chidester Decree" is hereby refered to in so far as it affects the rights of this plaintiff and defendant it is hereby made a part of this answer.

## XI

That this defendant, The East River Bottom Water Company, is the grantee and successor in interest to the Benjiman B. Richmond, William Scott, Thomas J. Foot, James Meldrum, John E. Booth, George Baum, Amasa Penriod, Joseph W. Smith, Jane Thomas, Elisia Thomas, Jacob H. Baum, Fredrick Furgerson, W.W. Furgerson, Lewis Stewart, J.H. Ferree, Peter Boyce, John W. Brown, Henry Smith, James Gellisse, Owen Baum, David N. Penriod, John Stubbs, and Thomas Ferree.

WHEREFORE, said defendant, The East River Bottom Water Company, prays judgment that it may be granted and have the rights to the use of the water as awarded to it by said "Morse Decree" and particularly ~~namely~~ described as follows, to-wit:

That when the water of said Provo River at and near the mouth of Provo Canyon exceeds 15000 cubic feet per minute that this defendant be awarded its portion of the said water awarded to its grantors and predecessors in interest together with the other persons named in paragraph six of the said "Morse Decree" to the amount of .0875 of the water in said River.

That when the volume of water in Provo River near and below the mouth of Provo Canyon, in Utah County, becomes reduced in quantity, at said point, to a volume not exceeding 15000 cubic feet per minute and until the same becomes reduced in quantity, at said point, to a volume not exceeding twelve thousand cubic feet of water per minute, this defendant shall be entitled to the following proportions thereof to-wit: The East River Bottom Water Company..... .0875. This however, includes the amount of water awarded to its grantors and predecessors in interest together with the other persons named in paragraph six of the said "Morse Decree".

That when the water of said Provo River at and near the mouth of Provo Canyon does not exceed twelve thousand cubic feet of water per minute that this defendant be awarded its portion of the said water awarded to its grantors and predecessors in interest together with the other persons named in paragraph six of the said "Morse Decree" to the amount of .0879. And that the defendant recover its costs.

State of Utah

SS

County of Utah

*Frederick Ferguson*

being first duly sworn on his oath says: that he is an officer, to-wit, *The President* of the said

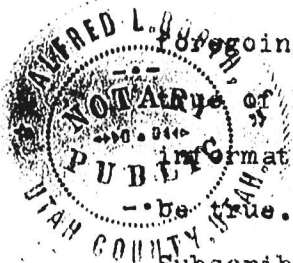
defendant, The East River Bottom Water Company, that he has read the foregoing answer and knows the contents thereof and that the same is

of his own knowledge except as to those matters stated on his information and belief and as to those matters he believes ~~in~~ it to

Subscribed and sworn to before me this 1 day of *Feb*, 1915.

My commission expires *April 28, 1915*.

*Frederick Ferguson*  
*Alfred J. Booth*  
Notary Public



No 2888,  
Dist Court  
Utah Co  
Prov Reservoir Co  
vs  
Prov City, East river  
Bottoms Water Co et al  
Separate Answer of  
East River Bottoms  
Water Co.

Received copy  
this 5 day of Feb  
1915  
J. E. Booth  
att'y for Plaintiff

IN DIST. COURT  
UTAH CO. UTAH  
**FILED**

FEB. 5 1915

E. J. Palmer  
E. J. Ever

J. E. Booth